

***Arkansas Department of Correction***

# **Inmate Handbook**

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## **Introduction**

The Arkansas Department of Correction is not responsible for you being here. You engaged in some behavior for which a sentence to the Arkansas Department of Correction is the price you pay. It is not the function of the department to punish you, only to hold you in a safe and humane manner and provide opportunities for you to improve yourself until you have completed your sentence.

The inmate handbook provides you with basic information about the department's policies and procedures. The information in it does not cover every possible situation, and it may not reflect recent changes in policy or procedure. You are expected to interpret it sensibly and responsibly.

All department policies available to inmates can be reviewed at your unit's law library.

The Public Information Office of the ADC prepared this handbook for you.

## **Intake**

New inmates go through a diagnostic process called intake. Male inmates are received at the Ouachita River Unit in Malvern for intake. Male inmates under sentence of death are received at a designated maximum security facility. Some parole violators may be received at facilities that are associated with jails operated by ADC. Female inmates are received at the McPherson Unit in Newport. During intake, inmates are given medical, mental health and academic examinations, court papers are reviewed, counselors gather information through interviews and a general orientation takes place.

Inmates cannot have visitors during intake; however, once you are received at your parent unit, you may make collect telephone calls to people on your approved calling list. Intake generally takes about five to 10 days, but can last longer. It is during intake that inmates can set up an account to purchase items from the commissary.

You will be photographed during intake. If your appearance changes at

any time during your incarceration, a new photograph will be taken. Continuously changing your appearance is contrary to the good order of the institution, and the warden may set an individual grooming policy for you.

## NOTES

### **Inmate Statutory Responsibilities**

While in the custody of the Arkansas Department of Correction, you must follow department policies and all state and federal laws, including the requirement to file income tax returns if you had taxable income during the tax year. If you are unable to file income tax returns, it is your responsibility to ask for assistance.

### **Veterans Benefits/Social Security Income and Tax Refunds**

If you are receiving Veterans benefits or Social Security Income, the department will notify the agency providing the benefits that you are now incarcerated. That agency determines whether to continue sending the benefits to you. If you receive an income tax refund check the appropriate tax agency will be contacted for approval before you can deposit the check.

### **Initial Assignment**

After intake, inmates are transferred to a parent unit for their initial assignment. Most male inmates are assigned to the Varner, Cummins, East Arkansas or Tucker Units. Females are assigned to the McPherson Unit. Exceptions for initial assignments may be made for Boot Camp, health reasons, security concerns or inmates sentenced to death. The initial assignment lasts a minimum of 60-days unless waived for program assignment. Behavior, bed space, job availability and institutional needs dictate future unit assignments.

### **Transfers**

Any inmate can request a transfer to another ADC unit. The request must be in writing to your unit warden and/or classification officer and should be placed in the unit mail. The decision to transfer an inmate is based upon available bed space, institutional needs, security level and other factors. Easier visitation is not a factor and such request are not automatic.

### **Classification**

Inmates are classified in three ways: custody classification, good time

earning classification and medical classification. Custody classification is the result of scoring established criteria including crime, length of sentence, disciplinary record, prior violence, escape history and various other factors that determine risk to the public and risk within the institution. This classification may limit the facilities to which an inmate can be assigned.

Good time classification places inmates in Class I, II, III or IV status. If eligible, Class I earns 30 days additional good time credit per month (For example, after 30 days in Class I status, the inmate has 60 days credit); Class II earns 20 days additional credit per month; Class III earns 10 days additional credit per month; and Class IV does not earn any good time. An inmate being held in a city or county jail awaiting transfer to the Department of Correction may be awarded good time at a Class II level. If jail credit is awarded, it will be reflected on the inmate's time card received during the diagnostic process.

Your class status is not automatic. All inmates are placed in Class II status when they arrive at the ADC. It is up to you to earn Class I status, and your class can be reduced because of disciplinary problems. Promotions in class status are decided by the Unit Classification Committee, which makes the decisions based on your past and current behavior and on recommendations from your work supervisor and/or other staff. This same committee may also make decisions regarding an inmate's classification in protective custody or Administrative Segregation. They also make transfer decisions.

Health care professionals determine medical classification, which is one of the factors used to determine your work assignment.

- *M-1* Inmates may have no medical restrictions.
- *M-2* Inmates have some medical restrictions but can be given any work assignment where those restrictions can be honored, including work in the field.
- *M-3* Inmates have substantial medical restrictions and can be assigned only to those jobs that do not endanger their health.
- *M-4* Inmates have disabilities or illnesses that severely limit the jobs that they can hold.

## NOTES

### *Work Assignments*

The Unit Classification Committee or Officer will make all work assignments. All inmates who are medically able are expected to work. ADC does not pay wages to inmates.

### *Unit Reassignments*

Any inmate may be assigned or reassigned to an appropriate unit because of poor institutional adjustment, disciplinary record, security concerns or institutional needs.

### *Promotion and Reclassification:*

After completing your 60-day initial assignment, you may apply to your immediate supervisor for promotion or reclassification. Reclassification is not automatic; you must apply for consideration.

Your immediate supervisor must recommend a promotion or reclassification. To be eligible for consideration, you must not be found guilty of a rule violation for at least 60 days.

If you receive a minor disciplinary, warning, reprimand or suspended sentence, you are not eligible for consideration for 30 days. If you are found guilty of a rule violation listed below, you will not be eligible for consideration until the designated period of time has expired unless specifically approved by the Warden. This period of time does not include time you spent in punitive.

	<u>Infraction</u>	<u>Time</u>
•	Escape or attempted escape	1 year
•	Felonious assault	1 year
•	Assault/battery of an employee or throwing any substance	1 year
•	Homicide or attempted homicide	1 year
•	Rape	9 months
•	Sexual activity	3 months
•	Drugs and alcohol	3 months

After receiving reclassification, you must not receive a disciplinary for at least 30 days before appearing before the Unit Classification Committee to ask for another reclassification.

inmate receives a copy of the decision.

### *Varner Supermax Rules*

The Varner Supermax has a separate handbook that is issued to inmates who are assigned to that unit.

all other crimes can also be reapplied for one year after the date of the Governor's denial.

### **Emergency Powers Act**

The Emergency Powers Act gives the Board of Corrections the authority to declare a prison-overcrowding emergency and to move parole/transfer eligibility dates forward by up to 90 days for eligible inmates. Even if the EPA is in effect, the Parole Board must still grant inmates parole.

Under an expanded version of the EPA, inmates who were convicted on a nonviolent offense (except for those sentencing under Act 1326), are Class I or Class II, and have been in the ADC system for at least six months may be eligible for release up to one year early.

### **Legal Assistance**

There are two licensed Arkansas attorneys to assist with general legal advice, such as explanations of court documents, post conviction remedies and other civil matters. The attorneys cannot represent inmates in lawsuits against the Department of Correction or its employees or on matters concerning criminal convictions.

### **Supermax**

All inmates transferred to the Varner Supermax will have a due process hearing at the sending unit before being transferred. This hearing requires a 24-hour advance notice to the inmate. The inmate can call witnesses and introduce evidence at the hearing.

The sending unit may recommend that an inmate be transferred to the Supermax for any of the following:

1. Escape from inside a secure facility.
2. Assault on staff resulting in injury.
3. Assault on another inmate with a weapon.
4. Disciplinary conviction for a violent felony.
5. Other reasons, which the Warden believes may constitute a serious threat to the security and good order of the institution.

### *Transfer Appeals*

The committee's decision to transfer an inmate to the Supermax may be appealed to the Chief Deputy Director within 15 days after the

### **Following Orders**

You must follow lawful orders. If you violate the rules either by failing to act (such as reporting for work on time) or by acting in ways that are contrary to the rules, you will be disciplined. Always follow the last instructions given.

### **Living in a Prison Setting**

Your cooperation and attitude toward yourself, the staff and other inmates play important roles in how you will get along. The staff is here to help while making sure that order and safety are maintained in the institution. When talking to staff and other inmates, you are expected to use common courtesies.

Rehabilitation is a word that you will hear a lot. It means a rebuilding of attitudes, values, work skills and education. No one can do this for you. The ADC does provide several programs that can help you with the rebuilding process, and you are encouraged to take advantage of the services offered including substance abuse treatment, counseling, religious programs, vocational and academic education and work programs.

### **Lights Out**

Normally, bedtime/lights out will be at 10:30 p.m. nightly. At that time, all televisions will be turned off. The Warden/Center Supervisor may, at his/her discretion, occasionally authorize special events beyond this time. At the discretion of the Warden/Center Supervisor, if you have an approved radio with headphones, you may continue to listen after lights out. These can be ordered through the commissary.

### **Cleanliness**

You are expected to be neat and clean, and the ADC provides the basic items necessary for good grooming. During intake, you are issued personal hygiene items and clothing, which will be laundered regularly and kept in good condition. You may buy additional grooming items from the commissary.

You are encouraged to shower regularly. Barber or beautician services will be provided as needed.

Any time you leave your living area, you should be dressed properly. This means shoes, socks, pants, shirts and other apparel.

It is your responsibility to keep your living area clean and in order. You will not attach anything to any wall, windows, ceiling or floor of the institution—whether you live in a barracks, cell or room. Your bed should be made neatly before leaving your quarters.

### **Grooming Policy**

Your hair must be worn loose, clean and neatly combed. You cannot wear wigs or hairpieces. No extreme hairstyles are permitted, including cornrows, braids, dread locks or Mohawks. The hair of male inmates must be cut above the ears and above the middle of the nape of the neck. Female inmates may wear their hair no longer than shoulder length.

The only facial hair allowed is a neatly trimmed moustache that does not extend beyond the corners of the mouth or over the lip. Sideburns cannot be lower than the middle of the earlobe.

Fingernails and toenails must be clipped so they do not extend beyond the tip of your fingers or toes.

You must maintain standards of hygiene that do not create a health hazard, security issues or public nuisance. If your personal hygiene falls below these standards, the Chief of Security may order steps to gain your compliance.

### **Fire/Safety Evacuation**

Each living area is equipped with an evacuation plan. It is your duty to become familiar with evacuation plans.

### **Security Issues**

#### *Count*

During count time, no movement is allowed. Whenever count time is called, an officer will explain what to do. If you are in your living quarters or work area, remain there unless directed otherwise by staff.

### **Parole/Transfer and Pardons**

#### *Parole/Transfer*

Parole or transfer is early release from incarceration, and it is supervised and conditional. Since parole is a privilege and not a right, it may carry several conditions. An inmate can be required by the Parole Board to complete certain ADC programming such as substance abuse treatment education, academic education, vocational education, the Reduction of Sexual Victimization Program or the sex offender treatment Program for females before being released on parole.

If the conditions of release are not met or if the offender fails to follow the reporting schedule, parole can be revoked and the offender can be sent back to prison.

#### *Parole Eligibility/Transfer Eligibility Dates*

The records offices of the various units compute parole eligibility or transfer eligibility dates. All inmates, except those sentenced to life, life without parole, death or certain repeat offenders, can be eligible for parole/transfer at some point. Eligibility dates will depend on state laws concerning the crime, the sentence and good time. The eligibility date can change because of disciplinary action or additional convictions.

#### *Supervision of Parolees*

The Arkansas Department of Correction does not supervise parolees. Supervision of parolees is provided by the Department of Community Correction.

#### *Pardons*

Pardons are granted by the Governor and are used to restore rights that may have been lost as a result of a criminal conviction. An application for pardon can be obtained from an Institutional Release Parole Officer.

### **Executive Clemency**

You may apply to the Governor for executive clemency if granted, executive clemency can reduce the length of your sentence. If you are convicted of a Class A or Class Y felony or Capital Murder and your executive clemency is denied by the Governor, you must wait four years from that date to reapply. The exception is Class Y drug crimes, which allow reapplication after only one year. Executive clemency for



being released to a detainer or to Work Release inmates unless the Director makes an exception.

### **Marriage**

Inmate marriage requests are submitted to the unit Chaplain, who will schedule an interview so the necessary paperwork can begin. There is a 90-day waiting period that starts on the day of the inmate's interview with the Chaplain. The request is sent from the Chaplain to the Warden for approval. If the Warden approves the marriage request, a date is set for the ceremony. You must be Class I to submit a marriage request.

You, your family and friends or another private source must pay all costs of the wedding, including transportation costs. Up to six guests may attend the ceremony. Their names must be provided in advance to the Warden, and all guests must be on your approved visitation list.

The wedding couple will not be allowed to spend time together after the ceremony.

### **Law Library**

All units, except Work Release centers, have a law library that is open during set hours. The attorneys for inmates make sure information available at unit law libraries is kept up to date.

### **Inmate Groups**

Jaycees-Some ADC units have a Jaycees chapter for inmates. If you are interested, information is available at your unit.

### *Inmate Panels*

The inmate panel is a select group of inmates who appear before school groups, civic clubs and other organizations to discuss problems of crime and delinquency. Only inmates with outstanding institutional records will be considered for participation.

### *Alcoholics Anonymous/Narcotics Anonymous*

At many units, community volunteers hold weekly meetings with inmates who indicate they have alcohol or drug problems.

### **Volunteer Programs**

Other programs, such as meditation may be available at various Units if authorized volunteers are available.

For the count to go as quickly as possible, you are expected to cooperate.

### *Searches/Shake Downs*

For everyone's protection, you, your personal property and your living quarters can be searched at any time. You do not have to be present during property or living quarter searches. *You are responsible for any item(s) found on you or in your area.*

### **Property**

Property is defined as:

1. *Personal Property* - items which are owned by you which are authorized to be retained on your person or in your living or storage area.
2. *State Issue Property* - items which are issued to you by the institution and which may be retained within a reasonable amount.

### *Contraband*

Any article not authorized nor issued to you as personal property or state property, nor purchased in the commissary, is considered contraband. Articles in excess of established limits, articles used for unauthorized purposes and/or articles in your possession in an unauthorized area are considered contraband. Any item altered from its original state is also considered contraband.

Possessing contraband is a rule violation and will result in disciplinary action.

### *Enemy Alert Lists*

If you request that another inmate be placed on your enemy alert list, the Chief of Security and the Warden will determine whether the alert is warranted. Staff cannot be placed on an inmate's enemy alert list.

### *Inmate Lockers/Locks*

When lockers are necessary, the ADC will provide them to you. Locks are available in the commissary. The combination must be provided to the security office. The administration reserves the right to maintain access to all lockers. If combination is not made available to the administration, entry will be made at your expense.

### **Prison Rape Elimination Act**

On Sept. 4 2003, the federal Prison Rape Elimination Act (PREA) was signed into law. It applies to all confinement institutions housing adult and juvenile. The Arkansas Department of Correction has a “zero-tolerance” policy regarding the sexual abuse of inmates, by staff or other inmates. One of PREA’s goals is to develop and implement national standards for the detection, prevention, reduction and punishment of prison rape. Don’t be a silent victim of sexual assault or rape. If you have been sexually assaulted or feel you are being pressured into a sexual relationship, call the free hotline on the Inmate Phone System, 0-870-267-6533 and report this immediately. All calls will be reviewed.

### **Reporting allegation of sexual abuse**

Report the incident to staff immediately or call the free hotline, 0-870-267-6533. An immediate referral will be made to Health Services for a physical examination and completion of rape kit test. (Do not shower or clean yourself after the incident because it will interfere with the rape test results.) A swift and thorough investigation will be conducted.

Evidence will be collected and stored. Rape complaints will be Restricted to those individuals who investigate, provide assistance or prosecute to protect the victim. The victim will be placed in a safe place where he/she is not subject to retaliation. The unit’s PREA Response Team will be notified and will assist the inmate. Statements will be taken from witnesses and findings will be documented. If founded, the case will result in discipline and referred for criminal prosecution.

### **Tobacco Regulations**

You are not allowed to have any kind of tobacco products. If you are caught with tobacco, the appropriate disciplinary action will be taken against you for possessing contraband.

### **Informal Resolution Form**

The Informal Resolution Form (IRF) must be completed by the inmate within 15 days from the date of the incident. Inmate presents the IRF directly to a designated Problem Solver or Supervisor. Only in the space provided, the inmate should write a brief statement that is specific to the complaint.

which they are written and availability.

Any outside money that the inmate receives while in the indigent program can go to pay for filing fees, legal postage or any other outstanding costs.

### **Money**

#### *Inmate Accounts*

Upon entering the department, an account will be set up for you to allow deposits of money orders while you are incarcerated. Your account will be charged for all purchases made through the commissary.

You cannot receive cash. Only money orders and government checks will be posted to your account.

All money must be sent directly to Inmate Banking: Arkansas Department of Correction:

Trust Fund Centralized Banking

P.O. Box 8908

Pine Bluff, AR 71611

Money orders should be made payable to the inmate’s name and ADC number. A “Money Order Deposit Slip” must be completed and sent with each money order. Deposit slips are available online at the ADC Web site: [www.arkansas.gov/doc](http://www.arkansas.gov/doc).

Inmates also have access to the deposit slips at each unit and can forward them to family members.

Family and friends can also send money through the ADC Web site. This method requires a credit card and involves a small processing fee.

#### *Disbursements*

Instructions on how to make disbursements from your inmate account are available from your unit’s commissary manager or bookkeeper.

### **Gate Money**

The department provides most inmates with money when they are released from ADC custody. The money is not provided to inmates

A or I-B status for one year. The Unit Classification Committee must approve all meritorious furloughs.

Under state law, meritorious furloughs cannot be granted to inmates sentenced for capital murder, murder in the first degree, kidnapping, stalking, rape, any other sexual offense or any offense concerning exploitation of children or the use of children in sexual performances. The sheriff of the county where an inmate will be staying during the furlough must be notified.

#### *Work Release Furloughs*

Work Release furloughs may be granted for one weekend a month to inmates participating in the Work Release Program.

#### **Commissary**

Each unit has a commissary or some way for you to purchase items that are not normally provided by the ADC. The Board of Corrections sets the weekly limit of money you are allowed to spend. A list of available items and purchase prices is provided at each commissary. Prices are subject to change.

#### **Indigent Program**

Criteria of the program is as follows:

1. Be at the unit for 30 days.
2. Have less than \$10 on account plus have received less than \$10 on account in the immediate preceding 30 days.

Indigent items are provided every 30 days. Requests will be filled on the 31st day. If the inmate is eligible and has funds on account, entitlement will be reduced by the amount of funds.

The computer will not let you have an item before the allotted timeframe—not even one day early. Nor can the computers be back-dated for unavailable items. Items will be issued to eligible inmates in the same manner as unit's procedures through the pen store. Eligible indigent inmates will shop on routine schedules with non-indigent inmates.

Indigent commissary lists will be filled according to the order in

Include the date, place, personnel involved and/or witnesses and how the policy or incident affected you. Additional sheet cannot be attached.

The problem solver has 3 days to resolve the issue at the informal level. If the problem cannot be resolved at the informal level or if the problem solver does not respond within the allotted time, the inmate may proceed to the formal grievance level. Only after the inmate has attempted informal resolution can he or she file a formal grievance in emergency situations.

#### **Grievances**

To file a formal grievance, fill out the appropriate forms that can be found at the hall desk, count room or other locations within the unit. If an inmate is unable to read or write, an officer or other staff can help fill out the forms. Place the finished forms in the grievance box or unit mailbox. Only three formal grievances a week are allowed unless an emergency exists. Once the grievance has been answered at the unit level, the grievance can be appealed to the appropriate Deputy/Assistant Director. At that point, the inmate has exhausted his/her administrative remedies. The Director may intervene at his discretion. You cannot file a grievance on behalf of another inmate.

#### **Emergency Grievances**

Emergency grievances receive priority, and should be filed only if you are in substantial risk of personal injury or other serious harm. The staff responsible for responding to your grievance will determine if it should be considered an emergency.

#### **Food Service**

Every effort is made to provide, prepare and serve a variety of nutritious foods. Do not waste food. Three meals a day are served unless an inmate with a recognized medical condition is required to be served more often. On holidays, you might be served two meals; a late breakfast or brunch and a large holiday meal. If your religious practices prevent you from eating certain meats, nutritional substitutes are offered. A small sign indicating "Pork Free" is placed on the steam table indicating each food item that does not contain pork.

A quiet and orderly demeanor will be maintained. After you are finished, you will immediately leave the kitchen area.

### *Alternative Meal Service in Segregation*

Alternative meal service may apply to an offender assigned to Administrative Segregation, Punitive Segregation, Disciplinary Court Review (segregation), Protective Custody (segregation), Behavior Control or any other type of segregation.

Any inmate in segregation may be placed on an alternative meal service if observed misusing food, serving trays, utensils or any items used to prepare, serve or package meals.

An alternative meal is a loaf style form of nourishment designed to be eaten without the need for utensils. Water is the only beverage available with the alternative meal, unless the responsible facility health provider prescribes a substitute beverage for medical reasons.

Alternative meal service will be for seven (7) consecutive days or 21 meals before the inmate returns to regular tray meal. The Unit Wardens may reduce the number of alternative meals, if appropriate.

### **Telephone Use**

During set hours, you are allowed to make collect calls to people on your pre-approved telephone list. Three-way calling is not allowed, and all your calls are monitored and recorded except for known legal calls.

Inmates who participate in the Boot Camp program can use the telephone only in emergencies and prior to graduation to notify family of their completion date.

### *Emergency Messages*

The Chaplain or mental health office will notify you about family emergencies.

### **Personal Clothing, Property**

The ADC provides uniforms, undergarments, a pair of shoes, soap, toothbrush, toothpaste, and safety razor with blade, bath towels and feminine hygiene items. Seasonal items may also be provided such as a toboggan cap, jacket or coat and thermal underwear.

in advance, preferably 24 hours prior to the visit.

### *Visitation Rules*

Four visitors are allowed during any one visit, including children. However, your spouse and all your children, regardless of the number, may visit at the same time.

### *Non-Contact Visitation*

Non-contact visitation, where a glass divider separates the inmate and visitor, is used at the discretion of the Warden for Death Row, maximum and super maximum security inmates. Non-Contact is the only form of visitation allowed for inmates assigned to the Varner Supermax Program

### *Visitation in Punitive Segregation*

Inmates on punitive status may be allowed visitation privileges unless there are substantial reasons for withholding such privileges. Visits will be conducted for two hours, once a month and scheduled as least 24 hours in advance. The Warden or designee must approve all such visits. Approval will be contingent upon but not limited to:

- a. Nature of rule violation.
- b. No further rule violations while housed in punitive segregation.
- c. Satisfactory cell inspection reports.

### *Special Status/Assignment*

Inmates on special status/assignment (such as Administrative Segregation, Investigative Status, Mental Health and Protective Custody) may be allowed to receive a visit, consistent with good security, as designated by the Warden/Center Supervisor or Assistant Warden. Death Row visits are held in accordance with the appropriate administrative directive.

### **Furloughs**

#### *Emergency Furloughs*

Emergency furloughs may be granted to you when there is a critical illness or death in your immediate family if approved.

#### *Meritorious Furloughs*

A meritorious furlough may be granted if you have maintained Class I-

items approved by the Warden or a designee. No other packages are allowed except with the approval of the Warden and the appropriate Assistant or Deputy Director. Packages which do not have prior approval are returned to the sender. Packages are subject to search.

#### *Inter-Unit Correspondence*

Mail between inmates of the ADC is restricted to members of the inmate's immediate family. It is subject to the same rules as general correspondence. All inter-unit mail must have the approval of both the sending and receiving units.

### **Visitation**

#### *Approval of Visitors*

Everyone who plans to visit you must fill out a Visitation Questionnaire. A criminal history check is done on all prospective visitors. It is the inmate's responsibility to advise visitors of their approval and visitation days and times. It is the inmate's responsibility to notify the Warden, Assistant Warden/Center Supervisor/designee of any requested changes on the approved visitation list.

Children 15 years of age or younger may be allowed to visit only when accompanied by an adult.

Current or former ADC employees, contract employees, interns or practicum students shall not be approved for visitation for a period of three years from the last date of employment, unless they are immediate family members and were so prior to their employment.

#### *Visitation Schedule*

Visitation is either on Saturday or Sunday. Your custody classification can determine if and when visitation is allowed. Each unit will have a schedule for visitation and you must notify your visitor(s).

#### *Special Visits/Visits Other Than on Regular Visitation Day*

If the Warden approves, visits may be allowed during the week or during weekend visitation for approved visitors who live more than 300 miles from your unit. Special visits, permitted during regular business hours, by the attorney of record and clergy may be arranged with the Warden/Center Supervisor/designee. Special visits have to be arranged

#### *Jewelry*

Personal jewelry allowed includes one wristwatch, one plain metal ring or wedding band and one religious medal or emblem worn on your ID chain. The religious medal/emblem must be approved by the chaplain. The value of each item cannot exceed \$50. A wedding band can have a higher value, but you must sign a waiver of liability.

#### *Photographs*

You may have up to five personal photographs that are not nude or sexually suggestive. Photographs cannot contain subject matter that is disruptive in nature or would threaten security or the good order of the institution. Digital pictures or images generated by a computer and Xerox copies are considered to be photographs. Photographs may not be any larger than 8 1/2 X 11 inches. Such photographs may contain either single or multiple digital images/pictures. However, when digital images/pictures are cut from an 8 1/2 X 11 inch sheet, it will no longer be considered as one. Each image cut from the sheet will be counted as one of the inmates five authorized photographs.

#### *Property Transfer*

If you are transferred to another unit, your property will also be transferred. If there are excessive items or items not allowed at that unit, you may send the items home at your expense, have someone pick up the items at the unit or authorize the destruction of the items.

### **Major Disciplinary Process**

The major disciplinary form will be used in filing major disciplinary reports against you. This form will inform you *in writing* of the details of the rule infraction.

1. You will receive a copy of the major disciplinary report at least 24 hours prior to the major disciplinary court hearing.
2. At the time you are served the disciplinary report, you will be allowed to call witnesses by giving the notifying officer the names of the individuals you wish to call. If you want to call

witnesses, this is the time to do it. You will not be allowed to submit witness statements that you have gathered to the hearing officer. So be sure to tell the notifying officer if you want to call any witnesses. There may be a limit on how many witnesses you can call. The Chief Security Officer at the unit determines this limit.

3. Unless your disciplinary is extended under the provisions for extensions in AR 831, it will expire five days (excluding weekends and holidays) from both the date and time of the incident or the discovery of the incident (in cases where the incident was concealed from the staff). If your disciplinary is extended, you will be provided a copy of the extension form .
4. You will be allowed to be present at your hearing, but you will not be forced to attend. You may waive your appearance by signing a waiver form .
5. The hearing will be conducted as follows:
  - a. When the hearing officer is ready to hear your case, you will be called into the room, and the hearing officer will identify any people present at the hearing for the record.
  - b. You will be informed of the specific charges against you and the possible consequences of a finding of guilt.
  - c. The hearing officer will read the disciplinary report to you and ask for your plea to each charge. There are only two acceptable pleas, "guilty" or "not guilty." Any plea other than these, or refusing to enter a plea, will be considered as a plea of not guilty.
  - d. You will be given an opportunity to make a statement on your behalf and present documentary evidence (other than witness statements).
  - e. You will then be required to leave the room while the hearing officer reads any statements into the tape, and considers the

### *Religious medals*

One religious medal or emblem may be worn on an ID chain. A separate chain will not be allowed. The religious medal or emblem cannot be larger than one and a half inches in length or width and no thicker than 1/8 of an inch. The medal/emblem must be received through the chaplain's office for approval.

### **Mail Policy/Packages**

All of your incoming and outgoing mail may be read, except for privileged correspondence, which will be opened in your presence. This correspondence includes letters from attorneys; federal, state, and local court officials; any administrator of the Department of Correction, Parole Board and the Board of Corrections; and the media. If properly marked as privileged correspondence, it will be opened in front of you and only inspected for contraband.

Outgoing mail must have your full name, return address, including your ADC number. Incoming mail and packages should have your full name and ADC number.

Letters must be written in the English language unless there is approval from the Warden/Center Supervisor to do otherwise.

The Department of Correction does not accept postage due mail or packages. Postage payment must be made in advance.

### *Types of Mail Allowed*

Your friends and family can only mail letters to you. Incoming mail received containing contraband is returned to sender in its entirety.

Any books, magazines, newspapers or catalogs that you receive from the publisher, bookstore, educational institution or recognized commercial or charitable outlet can be deemed inappropriate payment must be made in advance using funds from your inmate trust fund account. Publications are subject to review and may be refused/denied due to content. You will be advised of the reason for the rejection of publications.

If you have an authorized hobby craft card, you may order and receive

facilities and hold paid jobs in the community after working for Regional Maintenance . From the wages they earn, the inmates partially reimburse the state for their care and custody. Inmates who have dependents must remit to those dependents one-third of their net income or the amount that may be required by court order. The inmate will normally be allowed to spend up to an amount equal to the approved weekly commissary draw. The remaining balance will be deposited to the inmate's ADC account. Any disbursements out of this account must be approved by the Warden/Center Supervisor. Getting a disciplinary does not allow an inmate access to this account. The inmate may access the account upon his or her parole or termination of sentence. Work Release inmates must be Class 1-A eligible, and no more than 42 months from their release or parole/transfer eligibility date. Because of their crimes, many inmates are ineligible for the program due to their crimes.

#### **Prison Industry Enhancement Certification Program**

A PIECP worker is an inmate who provides labor for a BJA Prison Industries Enhancement Certification Program (PIECP). He or she benefits from PIECP by receiving an opportunity for training and work experience. The inmate worker must voluntarily agree to participate in PIECP and meet eligibility requirements. ADC retains an amount of the inmate's earnings for operational fees. Earnings must also go into a savings account, to the Arkansas Crime Victims Reparation Fund, to the inmate's dependents and to court-ordered child support, where applicable.

#### **Pre-Release Program**

The Pre-Release Program is designed to help inmates prepare for release from prison are available upon request. The Parole board may stipulate an inmate for this program..

#### **Religious Services**

##### *Religious Activities*

Chaplains and volunteers provide religious services, pastoral counseling, study groups, revivals and other special events.

evidence.

- f. After the hearing officer has reached a verdict, you will be called back into the hearing room and informed of his/her findings and the reason for them.
  - g. You will be advised of your right to appeal any or all of the decisions of the hearing officer.
  - h. At this point, your hearing will end, and if you were found guilty, this will mark the beginning of any punishment assessed.
6. Prior to the end of the business day, the hearing officer will complete your disciplinary hearing action sheets and submit them for typing.
  7. Within 24 hours you will be provided a typed copy of the results of the hearing.

#### **Appeal of Major Disciplinary Action**

If you do not agree with the hearing officer's decision, you may appeal that decision through the following process.

1. Complete a major disciplinary appeal form. This should be addressed to the Warden/Center Supervisor of the unit/center where the incident occurred. You must submit this appeal in writing within 15 days of the hearing.
2. The Warden/Center Supervisor has 30 calendar days from receipt of your appeal to respond. If you are serving punitive time as a result of the disciplinary and marked the box in the upper right corner of the form with an "X", then the Warden/Center Supervisor should respond in 10 days, if possible.
3. If you are not satisfied with the Warden's/Center Supervisor's response, you have 15 days to appeal to the Disciplinary Hearing Administrator in the Central Administrative Office. To appeal to the hearing administrator, write a letter explaining why you feel the decision should be changed. Be sure to identify the disciplinary by date, time and charging person. Do not send your copy of your disciplinary report, hearing action sheets, or Warden's response because copies of these are filed in the hearing administrator's

office and are reviewed with your appeal. Any documentation submitted will not be returned.

4. The disciplinary hearing administrator has five days from receipt of your appeal to respond.
5. If you disagree with the hearing administrator's response, you have 15 days to appeal to the Director of the department, whose decision will be the final step in the appeal process.

#### *Major Disciplinary Sanctions*

Major disciplinary sanctions are divided into three penalty classes, "A," "B" and "C." The disciplinary hearing officer may apply any or all of the sanctions from the penalty class of the most serious rule violated. The range of allowable sanctions is as follows:

1. Penalty Class "A"
  - a. Punitive segregation for 1-30 days.
  - b. Loss of earned good time up to 365 days. (Loss of *all* earned good time is allowable for offences listed that include the statement "may result in loss of all good time..")
  - c. Loss of designated privileges, 1-60 days.
  - d. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
  - e. Reduce up to three (3) steps in class.
  - f. Recommend to Classification Committee for change of assignment/unit.
  - g. Extra duty up to two (2) hours per day for up to thirty (30) days.
2. Penalty Class "B"
  - a. Punitive segregation for 1-15 days.
  - b. Loss of earned good time of 1-150 days.
  - c. Loss of designated privileges for 1-45 days.
  - d. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property
  - e. Extra duty up to two (2) hours per day for up to fifteen (15) days.

#### *Mental Health Services*

Inmates can receive individual and group outpatient treatment from psychologists, psychiatrists, social workers and counselors.

#### *Habilitation Program*

The Habilitation Program provides special management and treatment for developmentally disabled inmates.

#### *Special Management Barracks*

Special Management Barracks are for inmates with mental health management and counseling needs. *S Substance Abuse Treatment Programs*

There are programs at several units that provide residential substance abuse treatment. There are two Therapeutic Community programs, SATP and TC which are for inmates with substance abuse histories. .

#### **Education**

##### *Academic*

At the beginning of the 1997-1998 school year, academic education became mandatory for all inmates who do not have a high school diploma or General Education Development (GED) certificate. A full range of academic programs is available at most units, including special education programs for these inmates who qualify. Summer school is provided at some units, and homebound educational services may be offered for inmates in segregation. Inmates progress at their own pace and work toward their GED certificate. College courses are offered at some units.

##### *Vocational Education*

Vocational courses available to inmates include auto mechanics, diesel engine mechanics, graphic arts, electrician, culinary arts, plumbing, drafting, computer technology, auto paint and body, business data processing, heating and air conditioning, horticulture, printing occupations, computerized accounting, farm equipment repair, consumer electronics, cosmetology, cabinet making, carpentry, combination welding and small engine repair.

#### **Work Release**

In the Work Release Program, inmates are housed in correctional



### *Eye examinations*

If you are having vision difficulty, submit a request for an examination to the Medical Department. If appropriate and needed, an optometrist will exam your eyes, and standard glasses will be provided if needed. You may be re-examined as provided in policy.

### **Program Services**

#### *Sex offenders treatment*

The Reduction of Sexual Victimization Program (RSVP) is a treatment program for male inmates and SOFT is the treatment program for female Sex Offenders that focuses on controlling compulsive sexual behaviors, particularly child molestation. . Participation in the program is voluntary, but the Parole Board can require completion as a condition of early release.

#### *Act 309 Program*

Under the Act 309 Program, eligible ADC inmates are housed in certain county or city jails for work purposes. Participating counties and cities request inmates by skill, and the inmates are not paid for their work. Eligibility requirements include a good disciplinary record, at least six months in the ADC system after initial assignment and no convictions for capital murder, first degree murder, sexual offenses, stalking, escape, attempted escape or criminal attempt to commit any of these offenses. Also, inmates serving life and those sentenced to death are not eligible for the program. If the inmate is more than 30 months from parole eligibility, the sheriff or chief of police in the county of conviction must approve the inmate's participation in the program.

#### *Boot Camp*

Boot Camp is a military-style behavior modification program based on discipline, academic education relationships, and various classes to deal with anger, impulse, and substance abuse education. Eligible inmates must qualify to participate in the program.

#### *Special Programs Unit (SPU)*

The Special Programs Unit is for inmates with serious mental or emotional problems that require residential treatment. The unit's mental health staff recommends admission. The SPU provides intensive treatment and specialized assessment.

- f. Formal reprimand and/or warning
- g. Recommend to Classification Committee for change of assignment/unit.
- h. Reduce up to two (2) steps in class.

### 3. Penalty Class "C"

- a. Punitive segregation for 1-10 days.
  - b. Loss of earned good time of 1-60 days.
  - c. Loss of designated privileges for 1-30 days. Restitution based on replacement cost or value of lost, intentionally misplaced or destroyed property.
  - e. Extra duty up to two (2) hours per day for up to ten (10) days.
  - f. Formal reprimand/warning.
7. Recommend to Classification Committee for change of assignment/unit.
8. Reduce one (1) step in class.

### **Minor Disciplinary Process**

The minor disciplinary report is used to initiate the minor disciplinary process. The full due process considerations involved in the major disciplinary process do not apply to minor Disciplinary.

1. The minor disciplinary committee must hear the disciplinary within five days of discovery of the violations.
2. You will be allowed to be present and to make a statement on your behalf.
3. After hearing the charges against you and your defense, the committee will render its decision as to guilt or innocence and the appropriate action to be taken.
4. The findings of the minor disciplinary committee may be appealed to the Warden. The Warden's decision is final.

#### *Minor Disciplinary Sanctions*

The Minor Disciplinary Committee may take any or all of the following actions:

1. Warning, reprimand or excuse the inmate.
2. Loss of privileges.
3. Extra duty.

Actions taken by the committee must not exceed 30 days.

### **Behavior Rules and Regulations**

The same rule violations apply to both major and minor Disciplinarys. The following rules and regulations govern your behavior at all units.

<u>TYPE</u>	<u>PENALTY</u>
<u>CLASS</u>	

#### **CATEGORY ONE**

##### ***GROUP DISRUPTION***

- 01-1. Banding together without administrative approval for the purpose of demonstration, work stoppage, disruption of unit operations or the like. A
- 01-2. Taking over a part of the physical plant; may result in the loss of all good time. A
- 01-3. Involvement in writing, circulating or signing a petition or similar declaration that poses a threat to the security of the facility. A
- 01-4. Banding with another to commit an assault or battery. A

#### **CATEGORY TWO**

##### ***INDIVIDUAL DISRUPTIVE BEHAVIOR***

- 02-1. Aiding or abetting in commission of any rule violation. Same as rule violated.
- 02-2. Under the influence of and/or any use of illegal drugs, alcohol, intoxicating chemicals or any medication in an unauthorized manner. A
- 02-3. Monetary Misconduct - Entering into unauthorized contractual agreements, failure to turn in all checks or monies received (i.e. buying articles on time payment, failure to turn in tips received on work release) B

appropriate.

### **Protective Custody**

During the diagnostic process, you are questioned about possible enemies and other situations that may leave you vulnerable to other inmates such as being a former police officer, homosexual, etc. At that time, a determination is made whether Protective Custody is warranted. Once at a unit, if you feel you need to be reconsidered for PC, correctional staff should be informed. If you are assigned to temporary PC, you will remain there until a decision is made.

### **Detainers**

A detainer is a hold placed on an inmate by a law enforcement agency that has charges pending against the inmate.

### **Interstate Compact**

Under the Interstate Compact agreement, an inmate can serve his/her Arkansas sentence in another state's correctional system but only under certain circumstances and only if both states agree.

### **Medical Services**

#### ***Infirmiry visits***

If you have a medical or dental emergency, inform a correctional officer who will notify the Medical Department immediately for evaluation. If the problem is not an emergency, then a Sick Call request form must be submitted, which will be reviewed by the Medical Department within 24 hours, and an examination will be scheduled. ADC charges inmates a \$3 co-pay fee for any inmate-initiated request for medical or dental services. A \$3 fee is also charged for initial contact with health care services due to a fight, sports injury, or self-inflicted injury not associated with mental illness. Only services initiated by the inmate are subject to a fee. No fee is charged for diagnosis and treatment of communicable disease; chronic care or other staff-initiated care, including follow-up and referral visits. See the Co-Pay policy for more details; no inmate will be denied medical due to an inability to pay.

#### ***Dental Services***

In addition to dental emergencies, routine and necessary examinations, treatment and cleanings are available. Dental prosthetics are provided if required for chewing food, but will not be provided for cosmetic effect.

	result in the loss of all good time.	A
17-3	Any act or acts defined as felonies or misdemeanors by state or federal law involving the use of the Inmate Telephone System; may result in the loss of all good time and will result in the loss of Inmate Telephone System privileges for one (1) year.	A

**Any felony is subject to criminal prosecution regardless of disciplinary action within the Arkansas Department of Correction.**

\*Sanctions require monetary restitution.

**Punitive Segregation**

Punitive segregation is a status of confinement that separates an inmate from the general population if the inmate is found guilty of committing a serious rule violation.

An inmate may be placed in punitive segregation after a due process hearing and may be released after completion of the imposed sentence or when the inmate no longer poses a threat to him/herself, others or security.

Inmates in punitive segregation may be subject to more stringent living conditions and their privileges may be restricted. If you receive punitive time at one unit and are transferred to another unit, the time may follow you, and you will be required to serve the time.

**Administrative Segregation**

Inmates housed in Administrative Segregation are separated from the general population. An inmate can be assigned to Administrative Segregation for several reasons. These usually include demonstrated inability to control aggressive or destructive behavior; history of violence or escapes; conviction of a heinous crime that makes this level of security prudent; sexual or aggressive acting out by individuals with contagious diseases; history of serious rule violation that requires more intensive structure and other reasons as determined by the Unit Classification Committee. The assignment may be made with no hearing in circumstances where there is imminent danger. This assignment can be indefinite, but the inmate will be reviewed every 60 days to determine whether Administrative Segregation remains

02-4.	Employment Misconduct - Quitting a work release job without prior approval, getting fired for misconduct, tardiness or shirking duties, failure to notify center staff when too ill to work.	C
02-5.	Unauthorized use of mail or telephone, including passing unauthorized messages, three-way communication(s), and telephone communications with unauthorized persons or use of another inmate's pin	A
02-6.	Unauthorized contacts with the public while on work release or away from the unit/center.	A
02-7.	Any communication/conduct with a visitor in violation of regulations.	A
02-8.	Running, avoiding, or otherwise resisting apprehension.	A
02-9.	Interfering with the taking of count.	A
02-10.	Tattooing.	A
02-11.	Self-mutilation intended to pierce, decorate, or otherwise change one's appearance; this does not include attempts to commit suicide or injure oneself unless solely for manipulation — See Administration Regulation 834, Procedure for Handling Alleged Disciplinary Infractions of Mentally Disordered Inmates.	A
02-12.	Failure to keep one's person or quarters in accordance with regulations.	C
02-13.	Breaking into, or causing disruption of an inmate line.	B
02-14.	Not wearing ID or not having clothing marked according to center/unit policy.	C
02-15.	Tampering with, or blocking, any lock or locking device.	A
02-16.	Refusal to submit to substance abuse testing for determination of violation of Rule 02-2.	A
02-17.	Creating unnecessary noise.	C
02-18.	Play which is aggressive or disruptive, in other than designated recreation areas.	C

**CATEGORY THREE**

***PRESENT IN UNAUTHORIZED AREA***

03-1.	Out of place of assignment.	A
03-2.	Outside living quarters after authorized hours.	A
03-3.	Unexcused absence from work/school assignment or other program activity.	B
03-4.	Unauthorized presence in another's cell/living quarters.	A

#### CATEGORY FOUR

##### *BATTERY*

- 04-1. Reserved number for historical records
- 04-2. Reserved number for historical records.
- 04-3. Rape or forced sexual act; may result in loss of all good time.  
PREA ISSUE A
- 04-4. Battery - Use of physical force upon staff. A
- 04-5. Aggravated Battery - Use of a weapon or dangerous physical force on staff or person of another; may result in loss of all good time. A
- 04-6. Battery upon staff that results in injury; may result in the loss of all good time. A
- 04-7. Rape or forced sexual act on the person of another; may result in the loss of all good time. PREA ISSUE A
- 04-8. Battery - Use of physical force on the person(s) of another inmate. A
- 04-9. Aggravated Battery - Use of a weapon or dangerous physical force on the person(s) of another inmate; may result in the loss of all good time. A

#### CATEGORY FIVE

##### *MENACING*

- 05-1. Seizing one or more persons as a hostage may result in the loss of all good time. A
- 05-2. Written threats of bodily harm or death to another person(s). A
- 05-3. Assault - Any willful attempt or threat(s) to inflict injury upon the person of another. A
- 05-4. Making sexual threats to another person. A
- 05-5. Provoking or agitating a fight. B
- 05-6. Throwing or otherwise ejecting bodily fluids or excrement in the direction of another; any bodily fluids or excrement which hits or lands on the person of another may result in loss of all good time. A
- 05-7. Assault - Any willful attempt or threat(s) to inflict injury upon staff may result in the loss of all good time. A

#### CATEGORY SIX

##### *EXTORTION*

- 06-1. Demanding/receiving money or favors or anything of value in

- 12-2. Refusal to participate in a treatment program or violating program rules that result in dismissal from the program. B

#### CATEGORY THIRTEEN

##### *FALSE STATEMENT*

- 13-1. Deliberately giving misinformation or falsely accusing (an) other(s) in the course of an official investigation. A
- 13-2. Lying to a staff member about reason for being in an area, authorization for activity and the like. B
- 13-3. Malingering, feigning an illness. B

#### CATEGORY FOURTEEN

##### *GAMBLING*

- 14-1. Preparing or conducting a gambling operation. A
- 14-2. Participating in games of chance for gain/profit. B

#### CATEGORY FIFTEEN

##### *TRAFFICKING AND TRADING*

- 15-1. The purchase or exchange of unauthorized articles or authorized articles obtained through unauthorized channels. A
- 15-2. Asking, coercing or offering inducement to anyone to violate department policy or procedure, inmate rules and regulations, center/unit operating procedures or any state or federal laws. A

#### CATEGORY SIXTEEN

##### *ESCAPE*

- 16-1. Escape, or attempt to escape from the custody of the Arkansas Department of Correction; may result in loss of good time. A
- 16-2. Failure to return from any approved activity or furlough at the designated time. A

#### CATEGORY SEVENTEEN

##### *LAW VIOLATION*

- 17-1. Any act or acts defined as felonies or misdemeanors by state or federal law; may result in the loss of all good time. A
- 17.2 Any rule violation set forth above that is found to be related to recruitment or participation in a security threat group, or is motivated by racial, religious, or gender discrimination; may

staff uniforms, or unauthorized civilian clothing or identification. A  
09-8. Manufacture of intoxicants. A  
09-9. Counterfeiting, forging, or unauthorized possession of any document, article of identification, money, security or official paper. A  
09-10. Possession of gambling paraphernalia not specifically authorized by the center/unit. C  
09-11 Reserved number for historical records.  
09-12 Possession of Tobacco Products. A  
09-13. Possession/introduction/use of a cell phone or unauthorized messaging device may result in the loss of all good time and shall result in the loss of Inmate Telephone System privileges for one (1) year. A  
09-14 Possession/introduction/use of unauthorized electronic Device (s), including flash drive, MP player, DVD, player, etc., may result in the loss of all good time. A

#### CATEGORY TEN *SEXUAL ACTIVITY*

10-1. Engaging in sexual activity with another consenting person. PREA ISSUE A  
10-2. Making sexual proposals to another person. PREA ISSUE A  
10-3. Indecent exposure; may result in a referral for Criminal prosecution. PREA ISSUE. A  
10-4. Bestiality. A  
10-5. Masturbation in the presence of another inmate. A

#### CATEGORY ELEVEN *DISRESPECT TO STAFF*

11-1. Insolence to a staff member. A  
11-2. Using abusive/obscene language to staff. A  
11-3. Making profane/obscene gestures to staff including masturbation. A

#### CATEGORY TWELVE *DISOBEDIENCE TO ORDERS*

12-1. Failure to obey verbal and/or written orders of staff. A

return for protection against others, to avoid bodily harm, or to keep information secret. A

#### CATEGORY SEVEN *THEFT*

07-1. Unauthorized use of state property/supplies. B  
07-2. Breaking into another inmate's room/locker. A  
07-3. Taking of property or possession of stolen property. A

#### CATEGORY EIGHT *DESTRUCTION OF PROPERTY*

08-1. Reserved number for historical records.  
08-2. Reserved number for historical records.  
08-3. Reserved number for historical records.  
08-4. Destruction or intentional misplacement of property of another person. B  
08-5. Setting a fire; may result in the loss of all good time. A  
08-6. Adulteration of any foods or drinks with intent to harm others; may result in the loss of all good time. A  
08-7. Destruction or tampering with fire detection or suppression device. A  
08-8. Destruction or intentional misplacement of state property; any property valued at over \$100 will be referred for prosecution. A

#### CATEGORY NINE *POSSESSION/MANUFACTURE OF CONTRABAND*

09-1. Possession/introduction of any fireworks, explosive or unauthorized combustible substance. A  
09-2. Possession/introduction of any gun, firearm, weapon, ammunition, knife, sharpened instrument, or unauthorized tool; may result in the loss of all good time. A  
09-3. Possession/introduction of any drug, narcotic intoxicant, chemical, OR drug paraphernalia not prescribed by medical staff. A  
09-4. Possession, or movement of money or currency unless specifically authorized. A  
09-5. Possession of clothing or property not issued or authorized by the center/unit. C  
09-6. Reserved number for historical records.  
09-7. Possession of staff uniforms or clothing resembling